

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

GAEDEKE HOLDINGS VII, LTD.,)

Plaintiff,)

-vs-)

Case No. CIV-19-344-F

STAMPS BROTHERS OIL AND)
GAS, LLC, GRANDE OIL & GAS,)
INC., an Oklahoma corporation; and)
CHARLES A. SWANSON, an)
individual,)

Defendants.)

GRANDE OIL & GAS, INC.,)

Plaintiff and)
Counterclaim-Defendant,)

-vs-)

GAEDEKE OIL & GAS)
OPERATING, LLC and GAEDEKE)
HOLDINGS VII, LTD.,)

Case No. CIV-20-170-F

Defendants and)
Counterclaim-Plaintiffs,)

-vs-)

CHARLES A. SWANSON,)

Counterclaim-Defendant.)

ORDER

The court is in receipt of the Advice of Bankruptcy, filed December 9, 2024. Doc. no. 208 in Case No. CIV-19-344-F and doc. no. 168 in Case No. CIV-20-170-F.

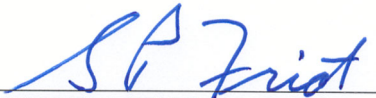
The notice advises that a voluntary petition for relief under Chapter 7 of the United States Bankruptcy Code was filed by Grande Oil & Gas, Inc. on December 6, 2024. The bankruptcy case is pending in the United States Bankruptcy Court for the Western District of Oklahoma, Case No. 24-13456.

Accordingly, Gaedeke Holdings VII, Ltd.'s action against defendant Grande Oil & Gas, Inc. in Case No. CIV-19-344-F, and Gaedeke Oil & Gas Operating, LLC and Gaedeke Holdings VII, Ltd.'s counterclaim action against counterclaim-defendant Grande Oil & Gas, Inc., in Case No. CIV-20-170-F are therefore stayed pursuant to 11 U.S.C. § 362.

While section 362 of Title 11 extends the stay provisions of the Bankruptcy Code to the "debtor," the rule followed in the Tenth Circuit is that the stay provision does not extend to the debtor's co-defendant. *See, Oklahoma Federated Gold and Numismatics, Inc. v. Blodgett*, 24 F.3d 136, 141 (10th Cir. 1994) (citing *Fortier v. Dona Anna Plaza Partners*, 747 F.2d 1324, 1330 (10th Cir. 1984)) (other citation omitted). A narrow exception to this rule has been recognized, *see, A.H. Robins Co., Inc. v. Piccinin*, 788 F.2d 994, 999 (4th Cir. 1986), *cert. denied*, 479 U.S. 876 (1986), but there is no indication in the Advice of Bankruptcy that the remaining defendant and counterclaim-defendant Charles A. Swanson would fall within the exception. Therefore, until otherwise notified, Gaedeke Holdings VII, Ltd.'s action against defendant Charles A. Swanson in Case No. CIV-19-344-F and Gaedeke Oil & Gas Operating, LLC and Gaedeke Holdings VII, Ltd.'s counterclaim action

against counterclaim-defendant Charles A. Swanson in Case No. CIV-20-170-F will continue with further proceedings.

DATED this 10th day of December, 2024.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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